

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

ANTHONY SMITH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 6:20-cv-00016-NKM
)	
CENTRA HEALTH, INC., et al.,)	
)	
Defendants.)	

**DEFENDANT CENTRA HEALTH, INC.'S MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Centra Health Inc. ("Centra") moves the Court to dismiss with prejudice the First Amended Complaint (Doc. 8) filed by Plaintiff Anthony Smith ("Plaintiff"). As set forth in Centra's Memorandum in Support of its Motion to Dismiss, Plaintiff's First Amended Complaint fail to state a claim on which relief can be granted and should be dismissed with prejudice.

Centra respectfully requests that the Court: (1) dismiss Plaintiff's First Amended Complaint with prejudice; and (2) award Centra its attorneys' fees, costs and expenses incurred in the defense of this action pursuant to 42 U.S.C. § 1988(b) and (c) or as otherwise permitted by law, and such additional and further relief as the Court deems just and proper.

Dated: May 1, 2020

Respectfully submitted,

CENTRA HEALTH, INC.

By: /s/ Joshua F. P. Long
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Counsel for Defendant Centra Health, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notice to the following counsel of record:

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